

FROM

(THU) 12.18.03 17:42/ST. 17:41/NO. 4862845716 P 1

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FROM: Elizabeth Stanley	ID#: 4939	DATE: December 18, 2003
TEL: (202) 986-8042	PAGES: 1 of 4	CLIENT/MATTER NO.: 08039-00159


TO:	COMPANY:	FAX NO.:	CONFIRMING TELEPHONE NO.:
Official Central Fax Number	U. S. Patent & Trademark Office	703-872-9306	703-308-4805 (Examiner Evans)

Comments/Message:

Re: U. S. Patent Application Serial No. 09/854,344
Filing Date: May 11, 2001
Title: HANDHELD, PORTABLE COLOR MEASURING
DEVICE WITH DISPLAY
First named Inventor: Wagner, Gregg
Art Unit: 2877
Examiner: F. L. Evans
Attorney Docket No: 08039-00159

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Please see attached Affidavit of Robert Stewart under 35 C.F.R. § 1.132 (2 pages) and
Certificate of Transmission (1 page) for the above-referenced application.


Elizabeth Stanley, Esq., Reg. No. 44,438

DC DOC 248621 v1 08039-00159

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PAGE 1/4 * RCVD AT 12/18/2003 5:55:01 PM [Eastern Standard Time] * SVR:USPTO-EFAX-1/0 * DNIS:8729306 * CSID: * DURATION (mm-ss):00-58

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the U. S. Patent & Trademark Office (703.872.9306 fax) on the date shown below:

Name: Diane Lino

Signature: Diane Lino

Date: Dec. 18, 2003

LIST OF DOCUMENT BEING TRANSMITTED TO THE PATENT OFFICE:

1. Fax Cover Sheet re 09/854,344
2. (Signed) Affidavit of Robert Stewart
3. Certificate of Transmission

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Serial No.: 09/854,344

Docket No.: 08039-00159

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In re Application of :
WAGNER, Gregg et al. :
Serial No. 09/854,344 : Group Art Unit: 2877
Filed: May 11, 2001 : Examiner: Fannie Evans
For: HANDHELD, PORTABLE COLOR MEASURING DEVICE
WITH DISPLAY

The Commissioner for Patents
Washington, D.C. 20231

AFFIDAVIT OF ROBERT STEWART
UNDER 35 C.F.R. § 1.132

I, Robert Stewart, a U. S. citizen having a residence address of 1057 Reed Ranch Road, Boulder, CO 80302, hereby declare as follows:

1. I did not contribute to the disclosure in U. S. Patent No. 6,157,454 to Wagner et al. that is the basis of the pending rejected claims in the above-reference patent application.

2. Further, I believe that any invention disclosed but not claimed in the Wagner et al. patent was derived from Gregg Wagner and Gary Emerson, and is thus not an invention "by another" per 35 U.S.C. §102(e).

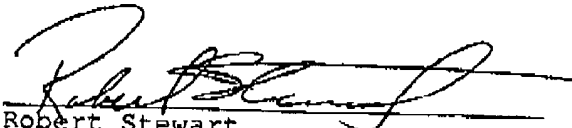
FROM

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Serial No.: 09/854,344

Docket No.: 08039-00159

3. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Robert Stewart

17 DEC 23
Date

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